

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
MAR 14 2006  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS

Plaintiff

vi.

CARDIAC SCIENCE, INC., et. al.,

Defendants

Civil Action: **04-30126-MAP**

**MEMORANDUM OF LAW IN SUPPORT OF  
PLAINTIFF'S MOTION FOR SANCTIONS UNDER LOCAL RULE 1.3**

The Plaintiff, Donald C. Hutchins ("Hutchins") files this memorandum in support of the Plaintiff's Motion For Sanctions as appropriate against Defendant's Counsel Colleen Moran O'Neil, Esq. ("O'Neil") under Local Rule 1.3

**BASIS FOR SANCTIONS**

**A. O'Neil misrepresented Ohio Case CV04540066 to be Final.**

O'Neil has knowingly misled the Court. O'Neil attempts to use CV04540066 in terms of *res judicata* in her arguments for Summary Judgment. O'Neil represents that this action is final. The Cuyahoga County, Ohio Court of Appeals found unresolved motions and a lack of a final judgment in this Action invalidating its use in terms of *res judicata*.

**B. O'Neil is guilty of Obstruction of Justice**

1. Hutchins filed Civil Action: 04-30126-MAP ("126") as a patent infringement action against Cardiac Science, Inc. Action 126 had nothing to do with the Compliant Corporation that was dissolved in October of 2003. O'Neil obstructed Hutchins' attempt to recover his properties with the wrongful and illegitimate filing of CV04540066 in Ohio.

2. O'Neil included the CPR Prompt Corporation as a co-defendant along with Hutchins in CV04540066 even though the CPR Prompt Corporation was not a party to Civil Action 126. O'Neil was aware that CPR Prompt was dissolved and would not respond or defend in Ohio. When CPR Prompt did not defend O'Neil used a declaratory judgment against CPR Prompt in terms of *res judicata* as the basis for a decision against Donald C. Hutchins in Ohio Civil Action CV04540066.
3. As the Ohio Court looked to this Court for guidance in resolving the disputed facts of Civil Action 126, O'Neil pressed for and received a summary judgment against Hutchins in Ohio. The Ohio Court held no hearings and did not consider the disputed facts introduced by Hutchins due to the pressure applied by O'Neil on the staff of the Ohio Court.
4. The Court of Appeals of the Court of Common Pleas of Cuyahoga has recognized the deficiencies in Civil Action CV04540066.

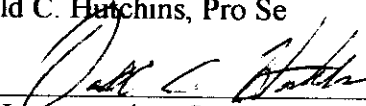
#### CONCLUSION

For all of the foregoing reasons, the Plaintiff respectfully requests that this Honorable Court apply sanctions as appropriate against Defendant's Counsel, Colleen Moran O'Neil, Esq.

The Plaintiff

Donald C. Hutchins, Pro Se

Dated March 14, 2006

  
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1047 Longmeadow Street  
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(413) 567-0606

#### CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow Street, Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate party by sending a copy by first class mail to: Randall T. Skaar, Esq., Patterson, Thunte, Skaar & Christensen, P.A., 4800 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. Paul T. Rothschild, Esq., Bacon & Wilson P.C., 33 State Street, Springfield, MA 01103 John J. Egan, Esq., Egan, Flanagan and Cohen, P.C., 67 Market Street, Springfield, MA 91102-9035 Colleen Moran O'Neil, Esq., Calfee, Halter & Griswold LLP, 1400 Mc Donald Investment Center, 800 Superior Ave., Cleveland, OH 44114-2688

Dated: 3/14/06

  
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Donald C. Hutchins